

DELEGATION OF AUTHORITY

DATE: 2/22/17

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-9. Inspections and Information Gathering

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 5-9 issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), including Sections 8 and 9:

- a. to perform the U.S. Environmental Protection Agency functions and responsibilities relative to the inspection of books and records;
- b. to perform the EPA functions and responsibilities relative to the inspection of establishments or other places where pesticides or devices are held for distribution or sale, or any place where there is being held any pesticide the registration of which has been suspended or canceled;
- c. to obtain warrants for the purpose of performing an inspection or information gathering;
- d. to execute warrants for the purposes of performing an inspection or information gathering;
- e. to carry out any other inspection and information gathering activities authorized by the FIFRA;
- f. to require the carrying out of any other inspection and information gathering activities authorized by the FIFRA; and
- g. to designate representatives of the Regional Administrator to perform the functions specified in paragraphs 1.B.a. through 1.B.f.

2. TO WHOM REDELEGATED.

A. The functions in 1.B.a., 1.B.b., 1.B.d, 1.B.e., 1.B.f. and 1.B.g. are redelegated to the Director, Office of Environmental Stewardship (OES) and the Director, Office of Environmental Measurement and Evaluation (OEME), who may exercise this authority independently.

B. The functions in 1.B.c. is redelegated to the Director, OES.

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C. The Director, OES, further redelegates the functions in 1.B.a., 1.B.b., 1.B.d., and 1.B.e. to the staff level, and no further.

D. The Director, OES, further redelegates the functions in 1.B.f. and 1.B.g. to the Manager, Toxics and Pesticides Unit, OES, and no further.

E. The Director, OEME, further redelegates the functions in 1.B.a., 1.B.b., 1.B.d., and 1.B.e. to the staff level, and no further.

3. REDELEGATION AUTHORITY.

A. The authorities in 1.B.a. through 1.B.e may be redelegated to the staff level, and no further.

B. The authorities in 1.B.f. and 1.B.g. may be redelegated to the Section Chief, and no further.

C. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. Prior to obtaining warrants, the Director, OES shall consult with the Manager, Legal Enforcement Office, OES, or his/her designee, regarding the legal sufficiency of the action.

B. The Manager, Legal Enforcement Office, OES, or his/her designee, is responsible for any necessary consultation with the Regional Counsel, or his/her designee, regarding significant counseling issues related to warrants.

C. The Directors, OEME and OES must consult with the Regional Administrator (RA), or his/her designee, prior to obtaining warrants.

D. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management (OARM).

E. The Assistant Administrator (AA) for the Office of Chemical Safety and Pollution Prevention (OCSPP) and the AA for the Office of Enforcement and Compliance Assurance (OECA) must notify the appropriate Regional Administrator prior to exercising authority under

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1.B.a. through 1.B.f., except in the case of nationally managed programs.

F. The AA for OCSPP must consult with the AA for OECA prior to requesting warrants.

5. ADDITIONAL REFERENCES.

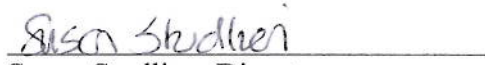
A. Sections 8 and 9 of FIFRA.

B. Agency Order 3510, *EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities.*

6. SUPERSESSON. Region I Delegation 5-9, dated May 21, 2009.



Deborah A. Szaro
Acting Regional Administrator


Susan Studlien, Director
Office of Environmental Stewardship

2/22/17
Date

02/17/2017
Date


Arthur Johnson, Director
Office of Environmental Measurement and Evaluation

2/17/17
Date